

RESOLUTION NO.

WHEREAS, Austin is known as a city that seeks progressive policies to address the challenges of chronic homelessness; and

WHEREAS, the City of Austin recognizes that providing an opportunity for Austin's chronically homeless to earn a dignified income is beneficial to the individual and the broader community; and

WHEREAS, while the City of Austin generally prohibits the use of sidewalks or right-of-ways for the sale of merchandise, the City has authorized a number of exceptions to this prohibition, including the use of specific parts of sidewalk or right-of-way for sidewalk cafes, food vending and store displays; and

WHEREAS, a local non-profit has proposed an innovative program to allow for the chronically homeless, under affiliation with the non-profit, to operate mobile non-motorized vending carts provided by the non-profit upon sidewalks and right-of-ways; and

WHEREAS, the program allows the vendor operating the mobile vending cart, in affiliation with the non-profit, to earn 100% of the profits from the sale of items, as well as 100% of tips, giving the vendor the opportunity to secure a source of income; and

WHEREAS, to allow this innovative program, an exception to the general prohibition is necessary to authorize sales from a non-stationary mobile vending cart operating on sidewalks or right-of-ways; and

WHEREAS, the proposed ordinance, in creating a limited exception, would allow vendors operating mobile vending carts to offer for sale pre-packaged individually wrapped items to potential customers, with the understanding that such operations would not cause or significantly contribute to sidewalk congestion or impede the flow of pedestrian traffic; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Council initiates an amendment to the City Code to establish a limited exception to the general prohibition of the use of sidewalks and right-of-ways to allow for vendors operating mobile vending carts, under affiliation with a non-profit assisting the chronically homeless, to operate upon sidewalks and right-of-ways in a manner consistent with this resolution.

BE IT FURTHER RESOLVED:

The City Manager is directed to process this Code amendment and to bring it back to Council for adoption by November 20, 2014. The City Manager is further directed to develop the Code amendment in consultation with representatives of Austin Transportation Department Right of Way Management, City of Austin Code Compliance, the Austin Police Department and other stakeholders including, but not limited to, Mobile Loaves & Fishes.

ADOPTED: _____, 2014

ATTEST: _____

Jannette S. Goodall
City Clerk